THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.27864 OF 2005

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Dated: 29-12-2005

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Between

B. Prabhavathi, W/o. B. Venkata Rao,

R/o. R. Agraharam, Guntur and another.

...PETITIONERS

AND

The Special Officer and Competent Authority,

Urban Land Ceiling, Guntur.

...RESPONDENT

ORDER:

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The petitioners seek a direction to the respondent to consider their representation dated 29.10.2005 in the light of the instructions or guidelines issued by the Government of India, Ministry of Urban Affairs and Employment (Department of Urban Development) Nirman Bhavan, New Delhi, dated 21.05.1997 in No.3/1/97 UCU(2) and as per the judgment of the Supreme Court reported in 2003(5) ALD page 487 as per law by declaring the inaction of the respondent in not considering the representation of the petitioner as illegal and arbitrary.

The learned counsel for the petitioners submits that the father of the petitioners filed a statement under Section 6(1) of the Urban Land (Ceiling Act and Regulation) Act (for short 'the Act') in ULC.No.115/81/C declaring the properties held by the petitioners family and the petitioners were majors as on the date of the commencement of the Act. While so, the

respondent published notification under Section 10(1) of the Act notifying the excess land and ceiling for the ground status. After publication of the memo dated 20.10.2005 for verifying the ground status according to the notification under Section 10(1) for determining the lands of the petitioners as surplus, the petitioners filed a claim petition on 29.10.2005 requesting the respondent to consider their case for allotment of share as per the instructions issued by the Government of India in letter No.3/1/97-UCU(2) dated 21.05.1997 and the same is pending.

Without going into the merits of the case and the other contentions of the petitioners, this Court considers it just and proper to direct the respondent to consider the representation of the petitioners dated 29.10.2005 within a period of eight weeks from the date of receipt of a copy of this order in accordance with law after giving reasonable opportunity to the petitioners.

Accordingly the writ petition is disposed of. No costs.

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V. ESWARAIAH, J

December 29, 2005

DSK